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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

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10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/823,704	ITO ET AL.	
	Examiner	Art Unit	
	Etienne P LeRoux	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/9/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,9,12,22,24,26 and 31-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,9,12,22,24,26 and 31-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 6, 9, 12, 22, 24, 26 and 31-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,789,928 issued to Fujisaki (hereafter Fujisaki) in view of US Pat No 6,144,958 issued to Ortega et al (hereafter Ortega).

Claim 1:

Fujisaki discloses an apparatus for retrieving information from a site on a network, said apparatus comprising:

- a display device [Fig 3, 53]
- an operator unit [Fig 3, 51]
- a processor device coupled with a removably-attachable external storage medium, said display device and said operator unit, said removably-attachable external storage medium having prestored therein: one or more items of first display information each for displaying an emulation screen imitating a screen of any one of one or more predetermined music piece data selling sites on the network and displaying a list of music piece data sets offered for sale by the selling sites [Fig 3, 52]
- search information for calling up any one of the sites said processor adapted to read out a particular one of the items of said first display information stored in said external storage

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medium; cause the emulation screen described by the read-out first display information, to be displayed on said display device when a predetermined desired item of information is selected from the emulation screen displayed on said display device in response to an operation of said operator unit, transmit the search information corresponding to the selected item of information to the network; receive from a particular one of the selling sites corresponding to the transmitted search information, via the network, second display information for displaying a screen of the particular selling site; and cause the screen of the particular selling site to be displayed on said display device on the basis of the received second display information [col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online.

Claim 4:

Fujisaki discloses a method for retrieving information from a site on a network, said method comprising: distributing in advance to a client a removably-attachable external storage medium having prestored therein, one or more items of first display information each for displaying an emulation screen imitating a screen of any one or more predetermined music-piece-data selling sites on the network and displaying a list of music piece data sets offered for

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sale by the selling sites; and search information for calling up any one of the sites, a desired one of the items of said first display information stored in said external storage medium, causing the emulation screen, described by the read-out first display information, to be displayed on a display device; receiving a selection of a desired item of information from the emulation screen displayed on said display device transmitting the search information corresponding to the selected desired item of information to the network, receiving from a particular one of the selling sites corresponding to the transmitted search information; second display information for displaying a screen of the particular selling site and causing the screen of the particular selling site to be displayed on said display device on the basis of the received second display information received second display information [Fig 3, 53, Fig 3, 51, Fig 3, 52, col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online.

Claim 6:

Fujisaki discloses a computer program comprising a group of instructions for causing a computer of a client apparatus to perform a method for retrieving information from a site on a network, said computer operatively coupling with a removably-attachable external storage

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medium having prestored therein one or more items of first display information each for displaying an emulation screen imitating a screen of any one of one or more predetermined music-piece-data selling sites on the network and displaying a list of music piece data sets offered for sale by the selling sites and search information for calling up any one of the sites said method comprising the steps of reading out a desired one of the items of said first display information stored in said external storage medium causing the emulation screen described by the read-out first display information to be displayed on a display device; receiving selection of a desired item of information from the emulation screen displayed on said display device; transmitting, when a desired item of information is selected, the search information corresponding to the selected item of information to the network; receiving from a particular one of the selling sites corresponding to the transmitted search information, second display information for displaying a screen of the particular selling site; and causing the screen of the particular selling site to be displayed on said display device on the basis of the received second display information [Fig 3, 53, Fig 3, 51, Fig 3, 52, col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online.

Claim 9:

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Fujisaki discloses an external storage medium readable by an apparatus containing a group of instructions to be executed by said apparatus, said external storage medium being removably attached to said apparatus, said external storage medium having prestored therein: one or more items of first display information each for displaying an emulation screen imitating a screen of any one of one or more predetermined music-piece-data selling sites on a network and displaying a list of music piece data sets offered for sale by the selling sites; and search information for calling up any one of the sites, said instructions comprising: reading out a desired one of the items of first display information from said external storage medium causing a the emulation screen, described by the read-out first information, to be displayed on said display device; when a desired item of information is selected from the emulation screen displayed on said display device in response to an operation of an operator unit, transmitting the search information corresponding to the selected item of information to the network; receiving from a particular one of the selling sites corresponding to the transmitted search information, second display information for displaying a screen of the particular selling site; and causing the screen of the particular selling site to be displayed on said display device on the basis of the received second display information [Fig 3, 53, Fig 3, 51, Fig 3, 52, col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

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The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online.

Claim 12:

Fujisaki discloses an external storage medium removably attached to, and readable by, an apparatus, said external storage device having prestored therein: one or more items of display information each for displaying an emulation screen imitating a screen of any one of one or more predetermined music-piece-data selling, sites on a network and displaying a list of music piece data sets offered for sale by the selling sites; and search information for calling up anyone of the sites, wherein the display information and the search information are read out from said external storage medium when the apparatus reads the external storage medium to display the emulation screen [Fig 3, 53, Fig 3, 51, Fig 3, 52, col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online.

Claim 22:

Fujisaki discloses an information retrieval system for searching for information and delivering the search information via a network, said information retrieval system comprising: a server apparatus comprising: a storage device storing therein information related to one or more

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predetermined music-piece-data selling sites; and a processor device coupled with said storage device and adapted to: receive search information supplied via the network; read out, from said storage device, information relating to the selling-site that corresponds to the received search information, said information related to the selling site including display information for displaying a screen of the selling site; and output the read-out information to the network.; and a client apparatus comprising: a display device; an operator unit; and a processor device coupled with a removably-attachable external storage medium, said display device and said operator unit, said external storage medium having prestored therein one or more items of display information each for displaying an emulation screen imitating a screen of each of the one or more predetermined music-piece-data sets offered for sale by the selling sites-, and search information for calling up any one of the sites, said processor device being adapted to: read out a desired one of the items of display information from said external storage medium; cause the emulation screen, described by the read-out display information, to be displayed on said display device; when a predetermined item of information is selected from the emulation screen displayed on said display device in response to an operation of said operator unit, transmit the search information corresponding to the selected item of information to the network; receive, from the selling site corresponding to the transmitted search information, real display information for displaying the actual screen of the selling site; and cause the screen of the selling site to be displayed on said display device on the basis of the received real display information [Fig 3, 53, Fig 3, 51, Fig 3, 52, col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

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Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online

Claim 24:

Fujisaki discloses an information retrieval system wherein said storage device of said server apparatus stores therein one or more items of music piece data information, and wherein said processor device of said server apparatus is further adapted to in response to selection of a music piece by an operation of the operator unit of said client apparatus, transmit to said client apparatus display music piece data for displaying selected music piece in its entirety, and wherein said processor device of said client apparatus is further adapted to permit selection of partial music piece data, in response to operation of the operator unit, from among the displaying music piece data transmitted by said server apparatus; and obtain the selected partial music piece data from said server apparatus via the network [Fig 3, 53, Fig 3, 51, Fig 3, 52, col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

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The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online

Claim 26:

Fujisaki discloses a storage medium readable by a client apparatus and containing a file usable by said client apparatus via a network, display information representative of a profile screen of a desired music piece data set a from a server via a network, said file including: list screen information for displaying a list of music piece data sets usable for a particular music apparatus, said list information being among all the music piece data sets stored in said server; and address information for receiving, from said server, respective profile screens of the music piece data sets usable for the particular music apparatus, said list information being among all the music piece data sets stored in said server, and address information for receiving from said server, respective profile screens of the music piece data sets usable for the particular music apparatus [Fig 3, 53, Fig 3, 51, Fig 3, 52, col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online

Claim 31:

Fujisaki discloses a method for a user to access a server on a network to order a music piece data_set from the server, said server storing music piece data sets for use in musical instruments, said method comprising: providing, a storage medium storing therein list data, said list data including at least one list of music piece data sets stored in said server that are usable for a particular music apparatus and address information for retrieving, from said server, profile display information corresponding to the music piece data sets included in said at least one list; reading out the list information from said storage medium; displaying the list of music piece data sets; receiving a selection of a desired one of the music piece data sets displayed, transmitting to the server the address information corresponding to the selected desired music piece data set, receiving from the server display information representative of a profile screen corresponding to the selected music piece data set, and displaying the profile screen of the selected music-piece data set [Fig 3, 53, Fig 3, 51, Fig 3, 52, col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online

Claim 32:

Fujisaki discloses a machine-readable storage medium containing a group of instructions for causing a computer of a client apparatus to perform a method for a user to access a server on a

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network to order a music piece_data set from the server, said client apparatus having a storage medium that is detachably attached and storing therein a file usable by said client apparatus so that the client apparatus can receive, from the server via said network, display information representative of a profile screen of a desired music piece data file, list information for displaying a list of music piece data sets usable for a particular music apparatus, and address information for retrieving from said server respective profile screen display information for the music piece data sets usable for the particular music apparatus, said method comprising: reading out the list information from said storage medium; displaying the list of music piece data sets usable in the particular music apparatus; receiving a selection of a desired one of the music piece data sets displayed; the address information corresponding to the selected desired music piece data set; receiving from said server the profile screen display information corresponding to the desired music piece data set; and displaying a profile screen corresponding to the desired music piece data set using the received profile screen display information [Fig 3, 53, Fig 3, 51, Fig 3, 52, col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online

Claim 33.

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Fujisaki discloses a client apparatus for a user to access a server on a network to order a music piece data set from the server, said client apparatus comprising: a storage medium storing therein a file usable by said client apparatus so that the client apparatus can receive, from the server via said network, display information representative of a profile screen of a desired music piece data file, list information for displaying a list of music piece data sets usable for a particular music apparatus, and address information for retrieving from said server respective profile screen display information for the music piece data sets usable for the particular music apparatus, a display device; an operator unit; and a processor device coupled with said storage medium, said display device and said operator unit, said processor device being adapted to: read out the list information from said storage medium; displaying the list of music piece data sets usable in the particular music apparatus; receiving, a selection of a desired one of the music piece data sets displayed; device, a procedure for ordering the product by accessing said server via the network [Fig 3, 53, Fig 3, 51, Fig 3, 52, col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online

Claim 34:

Fujisaki discloses an external storage medium removably attachable to, and readable by, a client apparatus, said external storage medium storing therein a file for use in a music piece data order method in which a user proceeds from a music-piece data-specifying screen to a procedure for ordering the a selected music piece data set when the user desires to order the product by accessing a server on a network, wherein a plurality of items of specifying information each specifying one of a music piece data sets and a plurality of items of display information each indicative of a related display object are described in said file in a link-enabling forma, wherein each of the related display objects has at least one of first and second display modes, wherein each of the items of specifying information is allocated to at least one of the related display objects which has one of said first and second display modes, wherein each of the items of specifying information allocated to the related display object having said first display mode specifies a music piece data set of products that are among all products capable of being ordered by accessing said server, wherein a visual presentation of the related display object having said first display mode is linked with an address of the music-piece data-specifying screen that shows the music piece data specified by the item of specifying information corresponding to the related display object, a visual presentation of the related display object having said second display mode is linked with a particular directory in said external storage medium, and the music piece data set specified by the specifying information allocated to the related display object having said second display mode is recorded under the particular directory [Fig 3, 53, Fig 3, 51, Fig 3, 52, col 4, lines 45-60]

Fujisaki discloses the elements of claim 1 as noted above.

Fujisaki fails to disclose a piece of music.

Ortega discloses a piece of music [Fig 1, col 3, lines 35-45]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujisaki to include a piece of music as taught by Ortega.

The ordinarily skilled artisan would have been motivated to modify Fujisaki per the above for the purpose of providing a means to purchase music online

Claim 35:

The combination of Fujisaki and Ortega discloses the elements of claim 1 as noted above.

The combination of Fujisaki and Ortega discloses wherein predetermined music-piece-data selling site is provided for each of said apparatus and handles music piece data that can be handled by said apparatus, and the emulation screen imitating the screen, described by said first display information, of the predetermined music-piece-data selling site is provided for each of said apparatus [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45]

Claim 36:

The combination of Fujisaki and Ortega discloses the elements of claim 4 as noted above.

The combination of Fujisaki and Ortega discloses wherein the predetermined music - piece-data selling site is provided for each apparatus of individual clients and handles music piece data that can be handled by said apparatus, and the emulation screen imitating the screen, described by said first display information, of the predetermined music-piece-data selling site is provided for each of said apparatus [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45]

Claim 37:

The combination of Fujisaki and Ortega discloses the elements of claim 6 as noted above.

The combination of Fujisaki and Ortega discloses wherein the predetermined music-piece data selling site is provided for each of client apparatus and handles music piece data that can be handled by said apparatus, and the emulation screen imitating the screen, described by said first display information, of the predetermined music-piece-data selling site is provided for each of said client apparatus [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45]

Claim 38:

The combination of Fujisaki and Ortega discloses the elements of claim 9 as noted above.

The combination of Fujisaki and Ortega discloses wherein the predetermined music-piece-data selling site is provided for each of said apparatus and handles music piece data that can be handled by said apparatus, and the emulation screen imitating the screen, described by said first display information, of the predetermined music-piece-data selling site is provided for each of said apparatus [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Claim 39:

The combination of Fujisaki and Ortega discloses the elements of claim 12 as noted above.

The combination of Fujisaki and Ortega discloses wherein the predetermined music-piece-data selling site is provided for each of said apparatus and handles music piece data that can be handled by said apparatus, and the emulation screen imitating the screen, described by said first display information, of the predetermined music-piece- data selling site is provided for each of said apparatus [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Claim 40:

The combination of Fujisaki and Ortega discloses a method for execution by a server on a network for supplying music piece data to a client terminal, said method comprising: receiving from said client terminal first request information designating a desired music piece, on the basis of said first request information received from said client terminal, transmitting to said client terminal, display information for displaying the desired music piece in its entirety so that the entire desired music piece can be displayed on said client terminal on the basis of the display information, receiving from said client terminal second request information designating at least a portion of the displayed music piece, on the basis of said second request information received from said client terminal, creating partial music piece data that represent the desired piece and correspond to the portion designated by said second request information, and determining a selling price of the created partial music piece data [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Claim 41:

The combination of Fujisaki and Ortega discloses a method as claimed in claim 40 wherein the display information to be transmitted to said client terminal is information for displaying the desired music piece as a musical score [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Claim 42:

The combination of Fujisaki and Ortega discloses a method as claimed in claim 40 and wherein said server includes a storage device for storing a complete music piece data set corresponding to the desired music piece [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Claim 43:

The combination of Fujisaki and Ortega discloses a method as claimed in claim 40, further comprising a step of transmitting the created partial music piece data to said client terminal [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Claim 44:

The combination of Fujisaki and Ortega discloses a method for execution by a client apparatus on a network to receive music piece data via the network from a server, said method comprising: transmitting, to said server, first request information designating a desired music piece; receiving, from said server, display information for displaying the desired music piece in its entirety; displaying the entire desired music piece on the basis of the display information; designating a portion of the displayed music piece and transmitting, to said server apparatus, second request information indicating the designated portion; and a step of inputting billing-related information and transmitting the billing-related information to said server apparatus to thereby effect purchase of the designated portion of the displayed music piece [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Claim 45:

The combination of Fujisaki and Ortega discloses a method as claimed in claim 44, further comprising a step of receiving the partial music piece data from said server apparatus [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Claim 46:

The combination of Fujisaki and Ortega discloses a method as claimed in claims 44 and 45 wherein the partial music piece data to be received from said server apparatus include musical

score data indicative of a musical score and reproduction data for reproducing the music piece [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Claim 47:

The combination of Fujisaki and Ortega discloses a method as claimed in claim 44 wherein the predetermined billing-related information is at least one of a credit card number, an address to which an application form for remittance is to be sent, and user information for use of electronic money [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Claim 48:

The combination of Fujisaki and Ortega discloses a storage medium as claimed in claim 26 which is an external storage medium removably attachable to said client apparatus [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Claim 49:

The combination of Fujisaki and Ortega discloses a storage medium as claimed in claim 26 wherein the profile screen displays at least one of a name of a music piece, a name of an artist, a name of a composer, a name of a lyric writer, a price of a music piece data set, a type of the music piece data set, a genre of the music piece, lyrics and a performance time length [Fujisaki Fig 3 items 51-53; Ortega Fig 1, col 3 lines 35-45].

Response to Arguments

Applicant's arguments submitted 2/9/2004, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

April 2, 2004 


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100